

# SENATE MOTION

MR. PRESIDENT:

**I move** that Senate Bill 1195 be amended to read as follows:

- 1           Page 10, between lines 25 and 26, begin a new paragraph and insert:  
2           "SECTION 10. IC 6-2.5-5-13 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **As used in this**  
4           **section, "broadband service" means a connection to the Internet**  
5           **at speeds greater than two hundred (200) kilobits per second**  
6           **downstream.**  
7           (b) **As used in this section, "broadband service provider" means**  
8           **a person or entity providing broadband service.**  
9           (c) **As used in this section, "customer" refers to a customer who**  
10           **receives broadband service from a broadband service provider.**  
11           (d) **The following** transactions involving tangible personal property  
12           are exempt from the state gross retail tax: ~~if:~~  
13           (1) ~~the Transactions involving~~ property **that is:**  
14               (A) classified as central office equipment, station equipment  
15               or apparatus, station connection, wiring, or large private  
16               branch exchanges according to the uniform system of accounts  
17               which was adopted and prescribed for the utility by the Indiana  
18               utility regulatory commission; or  
19               (B) mobile telecommunications switching office equipment,  
20               radio or microwave transmitting or receiving equipment,  
21               including, without limitation, towers, antennae, and property  
22               that perform a function similar to the function performed by  
23               any of the property described in clause (A). ~~and~~  
24           (2) **Transactions involving property described in this**  
25           **subdivision are exempt from the state gross retail tax only if**  
26           the person acquiring the property furnishes or sells intrastate  
27           telecommunication service in a retail transaction described in  
28           IC 6-2.5-4-6.  
29           (2) **Transactions involving property that is:**  
30               (A) **capable of providing broadband service;**  
31               (B) **owned by or leased to a broadband service provider;**

1                   **and**

2                   **(C) located outside a customer's premises.**

3                   **The exemption provided by this subdivision does not apply to**  
4                   **transactions involving property that is normally located inside**  
5                   **a customer's premises, including personal computers,**  
6                   **modems, set top boxes, and related items used by the**  
7                   **customer to facilitate broadband connection within the**  
8                   **customer's home or business."**

9                   Page 18, between lines 6 and 7, begin a new paragraph and insert:  
10                  **"SECTION 17. [EFFECTIVE JULY 1, 2002] IC 6-2.5-5-13(d)(2),**  
11                  **as added by this act, applies to retail transactions occurring after**  
12                  **June 30, 2002."**

13                  Renumber all SECTIONS consecutively.

(Reference is to EHB 1195 as printed February 15, 2002.)

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Senator FORD